

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE MIDDLE DISTRICT OF ALABAMA**  
**NORTHERN DIVISION**

**J.B., a minor child, by and through his )**  
**next friend, ADDIE WARD, on behalf of )**  
**himself and all other similarly situated; )**

**Plaintiff,**

**vs.**

**WALTER WOOD, in his individual )**  
**capacity, )**

**Defendant. )**

**Case No: 2:06-CV-755-CSC**  
**CLASS ACTION**

**REPORT OF PARTIES' PLANNING MEETING**

Pursuant to Federal Rule of Civil Procedure 26(f), counsel for plaintiff and counsel for defendant submit this report of their planning meeting held on October 25, 2006.

1. The meeting was attended by: Robert Drummond for the Plaintiff, J.B. and T. Dudley Perry, Jr. For the Defendant J. Walter Wood, Jr. The parties request a conference with the Court before entry of the Scheduling Order.

**PLAINTIFF'S NARRATIVE STATEMENT:**

J. B. seeks damages for himself and his proposed class as a result of the Defendant's alleged violation of his due process rights relating to his detention pending placement by the Alabama Department of Youth Services.

**DEFENDANT'S NARRATIVE STATEMENT:**

The Defendant alleges that he is immune from suit pursuant to sovereign immunity, qualified immunity, state-agent immunity. Alternatively, the Defendant alleges he is not guilty of

deliberate indifference to the constitutional rights of the Plaintiff. The Defendant also contends that the requirements of Rule 23 are in dispute.

2. This non-jury action should be ready for trial by October 1, 2007, and at this time, is expected by the Defendant to take approximately two days.

3. The parties request a pretrial conference on September 1, 2007.

4. **DISCOVERY PLAN:** The parties jointly propose to the Court the following discovery plan:

a) Discovery will be needed on the following subjects:

Immunity issues for the Defendant, class certification issues. Plaintiff and Defendant will conduct discovery on all other issues relevant to their claims and defenses.

b) All discovery shall be commenced in time to be completed by August 1, 2007.

5. **INITIAL DISCLOSURES:** The parties will exchange by November 15, 2007, information requested by Fed.R.Civ.P. 26(a)(1).

6. The parties request until January 31, 2007, to join additional parties and amend the pleadings.

7. **REPORTS FROM RETAINED EXPERTS UNDER RULE 26(a)(2) DUE:**

By the Plaintiff: April 1, 2006

By the Defendants: April 15, 2007

8. **PRETRIAL DISCLOSURES:** Final lists of witnesses and exhibits under Rule 26(a)(3) due by July 1, 2007.

9. **DISCOVERY LIMITS:**

- a) Maximum of twenty-five (25) interrogatories by each party to any other party. Responses due thirty (30) days after service.
  - b) Maximum of ten depositions by Plaintiff and ten by Defendant. Each deposition limited to a maximum of eight (8) hours unless extended by agreement of the parties.
  - c) Maximum of thirty (30) requests for admission by each party to any other party. Responses due thirty (30) days after service.
  - d) Maximum of twenty (20) requests for production of documents by each party to any other party. Responses due thirty (30) days after service.
10. All potentially dispositive motions filed by June 1, 2007.
11. Parties have not determined the viability of settlement at this time.

Respectfully submitted

TROY KING  
ATTORNEY GENERAL

**s/ T. Dudley Perry, Jr.**

T. Dudley Perry, Jr.  
Bar Number: 3985-R67T  
Deputy Attorney General  
Post Office Box 66  
Mt. Meigs, AL 36057  
Telephone: (334) 215-3803  
Fax: (334) 215-3872  
E-Mail: [dudley.perry@dys.alabama.gov](mailto:dudley.perry@dys.alabama.gov)

**s/Robert D. Drummond, Jr.**

Robert D. Drummond, Jr.  
Counsel for the Plaintiff

Bar Number 4619-078R  
323 De La Mare Avenue  
Fairhope, AL 36532  
Telephone: (251) 990-6249  
Fax: (251) 650-1264  
[robertdrummond@bellsouth.net](mailto:robertdrummond@bellsouth.net)